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From: "Hallinan, Patrick J. (ECY)" <PHAL461@ECY.WA.GOV>

To: Brian Nickel/R10/USEPA/US@EPA; "Moore, David (ECY)" <DMOO461@ECY.WA.GOV>

Copy To: Ben Cope/R10/USEPA/US@EPA

Delivered Date: 04/21/2011 01:22 PM PDT

Subject: RE: Need your review - New equivalency rules

Brian,

Thanks for the explanation. On rounding, the paragraph before rule 1, states "...Wherever rounding is employed in the rules below...". You might consider revising this to state rounding applies to rule 1 only, not to rule 2.

Pat

-----Original Message-----

From: Nickel.Brian@epamail.epa.gov [mailto:Nickel.Brian@epamail.epa.gov]

Sent: Thursday, April 21, 2011 12:41 PM

To: Moore, David (ECY)

Cc: Hallinan, Patrick J. (ECY); Cope.Ben@epamail.epa.gov

Subject: RE: Need your review - New equivalency rules

Dave, Pat:

Rule #1 applies everywhere, all the time. It does not apply only in the shaded cells. If this is not clear, then maybe we need to add a sentence that says this explicitly.

What rule #1 says is that the revised limits need to meet standards when you consider them cumulatively with Avista's responsibility (if any) and the non-point source loads. The only difference with the shaded cells is that you get some "help" from Avista's responsibility in meeting standards. Outside of those shaded cells, you still have to meet the DO standard, but you have to do so absent any action by Avista (because that's what the TMDL loading scenario does). If we limited rule #1 to be applicable only in the shaded cells, then you could adjust the limits in such a way that you caused a failure to meet DO standards. For example, consider segment 175 from July 1 - 15, where the DO sag is exactly 0.2 mg/L. Avista has no responsibility there, because the TMDL load reductions (just barely) meet the standard. But you could certainly imagine a circumstance where an alternative set of limits lowered the DO enough that you wouldn't meet the standard in that cell. If you excluded non-shaded cells from Rule #1, you wouldn't catch that. Rule #2 does not employ any rounding. This is explained by the last sentence in the document: "Because rounding combined with averaging could mask small but widespread decreases in dissolved oxygen concentrations, rounding may not be used to evaluate compliance with this rule."

Thanks,
Brian Nickel, E.I.T.
Environmental Engineer
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From: "Moore, David (ECY)" <DMOO461@ECY.WA.GOV>
To: "Hallinan, Patrick J. (ECY)" <PHAL461@ECY.WA.GOV>
Cc: Brian Nickel/R10/USEPA/US@EPA
Date: 04/21/2011 12:22 PM

Subject: RE: Need your review - New equivalency rules

Thanks Pat. I'm going to move ahead with posting the rules without the first page. For your other comments / changes, I'm copying Brian. Brian, as the keeper of the rules, I'm hoping you can consider Pat's comments when you finalize the document after it's been posted.

Thanks,

Dave

-----Original Message-----

From: Hallinan, Patrick J. (ECY)
Sent: Thursday, April 21, 2011 12:08 PM
To: Moore, David (ECY)
Subject: RE: Need your review - New equivalency rules

Dave,

I agree with taking the first page out. I had a couple of minor comments.

We should clarify rule 1 will apply to 'each shaded segment' in Table 7. Is this correct?

For rule 2, I'm assuming the rounding would occur at the final step in determining the zero or positive impacts. It might be useful to have an example of this calculation.

Pat

-----Original Message-----

From: Moore, David (ECY)
Sent: Thursday, April 21, 2011 9:42 AM
To: Moore, David (ECY); Whiley, Tony (ECY); Susewind, Kelly (ECY); Hallinan, Patrick J. (ECY)
Cc: Cusimano, Bob (ECY); Bellatty, James (ECY); Gildersleeve, Melissa (ECY); Bresler, Helen (ECY)
Subject: RE: Need your review - New equivalency rules

I'd like to get these posted by the end of the day so if I don't hear from you by 1 or so, I'll move ahead with posting along with all the other materials. I'm thinking we'll take out the first page in keeping

with the "no fluff" rule from Kelly's message yesterday. Thanks for your help.

Dave

-----Original Message-----

From: Moore, David (ECY)

Sent: Wednesday, April 20, 2011 10:30 AM

To: Whiley, Tony (ECY); Susewind, Kelly (ECY); Hallinan, Patrick J. (ECY)

Cc: Cusimano, Bob (ECY); Bellatty, James (ECY); Gildersleeve, Melissa (ECY); Bresler, Helen (ECY)

Subject: FW: Need your review - New equivalency rules

Hi folks,

Brian has sent me a modified set of "robot rules" that look consistent with what we have discussed. It's only two pages so if you could send me your changes or comments, I'd like to get this posted on the River Forum website this week for stakeholders to review along with all the other stuff we promised.

Thanks,

Dave

-----Original Message-----

From: Nickel.Brian@epamail.epa.gov [mailto:Nickel.Brian@epamail.epa.gov]

Sent: Wednesday, April 20, 2011 9:41 AM

To: Moore, David (ECY)

Cc: Cope.Ben@epamail.epa.gov; Mann.Laurie@epamail.epa.gov

Subject: New equivalency rules

Dave:

I've drafted some new equivalency rules for your review. It is still marked preliminary draft.

As you requested, I've made it less "Idaho centric" since Ecology is now entertaining changes to Washington effluent limits as well. However, there are still two paragraphs that explain that the TMDL doesn't apply to Idaho sources.

This document doesn't address the question of whether adjusted effluent limits for Washington sources would be "consistent with the assumptions and requirements" of the TMDL's wasteload allocations, as required by 40 CFR 122.44(d)(1)(vii)(B). I think Ecology will have to explain that at some point; I'm not sure if this document is the best place to do that. One option we considered (which you are free to implement if you like) is to delete all of the introductory text and just launch into the "math" (i.e., start at the section labelled "Compliance with Washington WQS." However, we thought it might be better if it was very clear that the effluent limits had to work without any changes to NPS load allocations or Avista's responsibility, and that is addressed by a paragraph above the "Compliance with Washington WQS" section. As we discussed previously, I've been told my Mark Ryan that the Idaho

dischargers' attorneys have given permission to distribute the modeling information we received earlier this month.

Thanks,

Brian Nickel, E.I.T.

Environmental Engineer

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(See attached file: Draft Test for equivalence 2011-04-20.docx)